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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wakayama *et al.*

Appl. No. 09/995,695

Filed: November 29, 2001

For: **Integrated Direct Conversion
Satellite Tuner**

Confirmation No. 9797

Art Unit: 2817

Examiner: TBD

Atty. Docket: 1875.1210001

Petition Under 37 C.F.R. § 1.47(a)**RECEIVED**Commissioner for Patents
Washington, D.C. 20231

APR 12 2002

OFFICE OF PETITIONS

Sir:

In accordance with the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a),
Petitioner has filed herewith the following documents:

- (1) A copy of original Declaration for patent application executed by Myles Wakayama, Dana Vincent Laub, Afshin Mellati, David S.P. Ho, Hsiang Bin Lee, Chun-Ying Chen, James Y.C. Chang, Lawrence M. Burns, Young Joon Shin, Patrick Pai, Iconomos A. Koullias, Ron Lipka, and Luke Thomas Steigerwald all fulfilling the requirements of 37 C.F.R. § 1.47(a);
- (2) Statement of Facts In Support Of Filing On Behalf Of Nonsigning Inventor Under 37 C.F.R. § 1.47(a) from Jeffrey T. Helvey, Esq.;

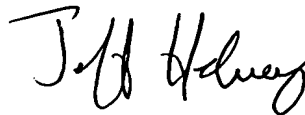
The Declaration for Patent Application has been signed by thirteen of the fourteen named joint inventors. Frank Carr has not executed the Declaration for patent application. Petitioner submits that the Declaration for patent application signed by Myles Wakayama, Dana Vincent Laub, Afshin Mellati, David S.P. Ho, Hsiang Bin Lee, Chun-Ying Chen, James Y.C. Chang, Lawrence M. Burns, Young Joon Shin, Patrick Pai, Iconomos A. Koullias, Ron Lipka, and Luke Thomas Steigerwald, with the signature block of the non-

signing inventor left blank, should be considered as having been signed by all the joint inventors on behalf of the non-signing inventors. *See* M.P.E.P. § 409.03(a)(A). The Declaration for patent application also indicates the last known addresses of the non-signing inventor as required by M.P.E.P. § 409.03(a)(C).

The Statement of Facts In Support Of Filing On Behalf Of Non-signing Inventor Under 37 C.F.R. § 1.47(a) from Jeffrey T. Helvey, Esq. provides proof of the pertinent facts that the non-signing inventor cannot be reached after diligent effort. Petitioner therefore respectfully submits that the documents and fees filed herewith satisfy all the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. §§ 409.03(a), (d), and (e). Accordingly, Petitioner respectfully requests that the Petition Under 37 C.F.R. § 1.47(a) be granted, and the Notice to File Missing Parts, dated December 10, 2001, be withdrawn.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey T. Helvey
Attorney for Petitioner
Registration No. 44,757

Date: 4/10/02

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

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POWER OF ATTORNEY FROM ASSIGNEE

Broadcom Corporation, a corporation of California, having a principal place of business at 16215 Alton Parkway, Irvine, CA 92618-3616, is assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on (1) January 16, 2002, (2) January 15, 2002, (3) January 16, 2002, (4) January 16, 2002, (5) February 6, 2002, (6) January 15, 2002, (7) January 15, 2002, (8) January 15, 2002, (9) January 16, 2002, (10) February 1, 2002, (11) February 28, 2002, (12) January 31, 2002, (13) January 23, 2002, (14) January 23, 2002, of an invention known as Integrated Direct Conversion Satellite Tuner (Attorney Docket No. 1875.1210001/RES/JTH), which is disclosed and claimed in a patent application of the same title by the inventors (1) Myles Wakayama, (2) Dana Vincent Laub, (3) Frank Carr, (4) Afshin Mellati, (5) David S. P. Ho, (6) Hsiang Bin Lee, (7) Chun-Ying Chen, (8) James Y. C. Chang, (9) Lawrence M. Burns, (10) Young Joon Shin, (11) Patrick Pai, (12) Iconomos A. Koullias, (13) Ron Lipka, (14) Luke Thomas Steigerwald, (said application filed on November 29, 2001 at the U.S. Patent and Trademark Office, having Application Number 09/995,695).

The Assignee hereby appoint the U.S. attorneys associated with **CUSTOMER NUMBER 28393** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith, such attorneys currently being: Robert Greene Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,013; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; John M. Covert, Esq., Reg. No. 38,759; Linda E. Alcorn, Esq., Reg. No. 39,588; Lawrence B. Bugaisky, Esq., Reg. No. 35,086; Donald J. Featherstone, Esq., Reg. No. 33,876; and Robert C. Millonig, Esq., Reg. No. 34,395; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, and James D. Bennett, Registration No. 37,550 and David J. Rosmann, Registration No. 43,059. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
U.S.A.

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Direct phone calls to 202-371-2600.

FOR: Broadcom Corporation

SIGNATURE: Timothy M Lindertfelser

BY: Timothy M Lindertfelser

TITLE: VP, GM Broadband Comm

DATE: April 9, 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wakayama *et al.*

Appl. No. 09/995,695

Filed: November 29, 2001

For: **Integrated Direct Conversion
Satellite Tuner**

Confirmation No. 9797

Art Unit: 2817

Examiner: TBD

Atty. Docket: 1875.1210001

**Statement Of Facts In Support Of Filing On Behalf
Of Nonsigning Inventor Under 37 C.F.R. § 1.47(a)**

Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

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I, Jeffrey T. Helvey, Esq., hereby declare:

1. I am making this statement of facts in support of filing on behalf of a nonsigning inventor under 37 C.F.R. § 1.47(a) with regards to U.S. Patent Application Serial No. 09/995,695, filed November 29, 2001 (hereinafter referred to as the "patent application").
2. I am registered to practice before the U.S. Patent and Trademark Office with Reg. No. 44,757.
3. I am a patent attorney at the law firm of Sterne, Kessler, Goldstein & Fox, P.L.L.C. (hereinafter "SKGF"), 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934.
4. Herewith, a Power of Attorney from Assignee (Broadcom Corporation) is being filed in the patent application appointing U.S. attorneys at SKGF to prosecute the application and any continuation, divisional, continuation-in-part, or reissue application thereof.
5. Mr. Frank Carr is an inventor named in the patent application. The last known address of Mr. Carr is: 3423 Colony Plaza, Newport Beach, California, 92660.
6. Mr. Carr is no longer employed at the Broadcom Corporation, 16215 Alton Parkway, Irvine, California, 92618.

7. On January 11, 2002, declaration and assignment documents were sent to Mr. Carr for his review and signature at his last known address of 3423 Colony Plaza, Newport Beach, California, 92660. No response was ever received from Mr. Carr.
8. On February 21, 2002, the declaration and assignment documents were again sent to Mr. Carr via Federal Express to his last known address of 3423 Colony Plaza, Newport Beach, California, 92660. No response was ever received from Mr. Carr.
9. On February 25, 2002, a telephone memo was recorded from Federal Express to Robert Sokohl, a Director and Patent Attorney (Reg. No. 36,013) at SKGF, indicating that the Federal Express package of February 21, 2002 could not be delivered because Mr. Carr had moved.
9. On March 7, 2002, an electronic mail (i.e. e-mail) message was sent to Mr. Frank Carr at his last known e-mail address of FrankCarr@home.com, requesting that he execute and return the declaration and assignment documents that we had sent to him. No response was ever received from Mr. Carr.

I declare that all statements made herein of my own knowledge are true and that all statements made on information from review of the file history of the patent application are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.



Jeffrey T. Helvey

Date: 4/10/02



Certificate Under 37 C.F.R. § 3.73(b)

Applicants: Wakayama et al.Application No.: 09/995,695Filed: November 29, 2001Entitled: Integrated Direct Conversion Satellite TunerBroadcom Corporation

(Name of Assignee)

a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. ☐ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title are attached.**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: April 9th, 2002Name: Timothy M. LindentfelserTitle: VP, GM Broadband Comm.Signature: [Signature]

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COPY

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: (1) Myles Wakayama, (2) Dana Vincent Laub, (3) Frank Carr, (4) Afshin Mellati, (5) David S. P. Ho, (6) Hsiang Bin Lee, (7) Chun-Ying Chen, (8) James Y. C. Chang, (9) Lawrence M. Burns, (10) Young Joon Shin, (11) Patrick Pai, (12) Iconomos A. Koullias, (13) Ron Lipka, (14) Luke Thomas Steigerwald, the undersigned inventors hereby sell and assign to Broadcom Corporation (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

check applicable box(es)

☒ for the United States of America (as defined in 35 U.S.C. § 100),

☒ and throughout the world,

(a) in the invention known as Integrated Direct Conversion Satellite Tuner for which application(s) for patent in the United States of America has (have) been executed by the undersigned on (1) 1/16/02, (2) 1-15-02, (3) _____, (4) 1/16/2002, (5) 2/6/02, (6) 1/15/2002, (7) 1-15-02, (8) 1/15/2002, (9) 1/16/02, (10) 2/1/02, (11) 2/23/02, (12) 1/31/02, (13) 1/23/02, (14) 1/23/02, (also known as United States Application No. 09/995,695, filed November 29, 2001), in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

RES
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The undersigned inventor(s) agree(s) to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventor(s) hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; Linda E. Alcorn, Esquire, Registration No. 39,588; Lawrence B. Bugaisky, Esquire, Registration No. 35,086; Donald J. Featherstone, Esquire, Registration No. 33,876; and Robert C. Millonig, Esquire, Registration No. 34,395, all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, and James D. Bennett, Registration No. 37,550, and David J. Rosmann, Registration No. 43,059, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventor(s) on the date opposite his/her name.

Date: 1/16/2002 Signature of Inventor: Myles Wakayama
Myles Wakayama

Date: 1-15-02 Signature of Inventor: Dana Vincent Laub
Dana Vincent Laub

Date: _____ Signature of Inventor: _____
Frank Carr

Date: 1/16/2002 Signature of Inventor: Afshin Mellati
Afshin Mellati

Date: _____ Signature of Inventor: _____
David S. P. Ho

Date: 1/15/2002 Signature of Inventor: Hsiang Bin Lee
Hsiang Bin Lee

DO NOT FORWARD
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NOT FOR RECORDATION

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventor(s) hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; Linda E. Alcorn, Esquire, Registration No. 39,588; Lawrence B. Bugaisky, Esquire, Registration No. 35,086; Donald J. Featherstone, Esquire, Registration No. 33,876; and Robert C. Millonig, Esquire, Registration No. 34,395, all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, and James D. Bennett, Registration No. 37,550, and David J. Rosmann, Registration No. 43,059, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventor(s) on the date opposite his/her name.

Date: _____ Signature of Inventor: _____
Myles Wakayama

Date: _____ Signature of Inventor: _____
Dana Vincent Laub

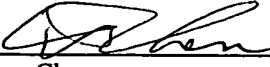
Date: _____ Signature of Inventor: _____
Frank Carr

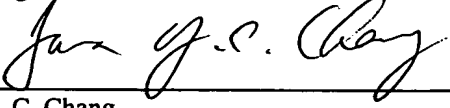
Date: _____ Signature of Inventor: _____
Afshin Mellati

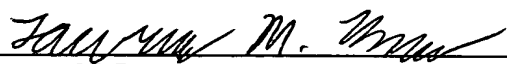
Date: 6 Feb 2002 Signature of Inventor: 
David S. P. Ho

Date: _____ Signature of Inventor: _____
Hsiang Bin Lee

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Date: 1/15/2002 Signature of Inventor: 
Chun-Ying Chen

Date: 1/15/2002 Signature of Inventor: 
James Y. C. Chang

Date: 1/16/02 Signature of Inventor: 
Lawrence M. Burns

Date: _____ Signature of Inventor: _____
Young Joon Shin

Date: _____ Signature of Inventor: _____
Patrick Pai

Date: _____ Signature of Inventor: _____
Iconomos A. Koullias

Date: _____ Signature of Inventor: _____
Ron Lipka

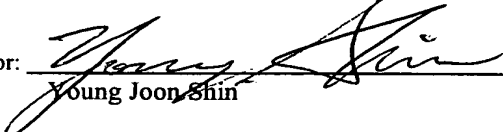
Date: _____ Signature of Inventor: _____
Luke Thomas Steigerwald

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Date: _____ Signature of Inventor: _____
Chun-Ying Chen

Date: _____ Signature of Inventor: _____
James Y. C. Chang

Date: _____ Signature of Inventor: _____
Lawrence M. Burns

Date: 2/1/02 Signature of Inventor: 
Young Joon Shin

Date: _____ Signature of Inventor: _____
Patrick Pai

Date: _____ Signature of Inventor: _____
Iconomos A. Koullias

Date: _____ Signature of Inventor: _____
Ron Lipka

Date: _____ Signature of Inventor: _____
Luke Thomas Steigerwald

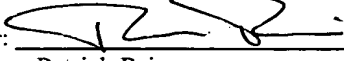
DO NOT FORWARD
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NOT FOR RECORDATION

Date: _____ Signature of Inventor: _____
Chun-Ying Chen

Date: _____ Signature of Inventor: _____
James Y. C. Chang

Date: _____ Signature of Inventor: _____
Lawrence M. Burns

Date: _____ Signature of Inventor: _____
Young Joon Shin

Date: 2/28/02 Signature of Inventor: 
Patrick Pai

Date: _____ Signature of Inventor: _____
Iconomos A. Koullias

Date: _____ Signature of Inventor: _____
Ron Lipka

Date: _____ Signature of Inventor: _____
Luke Thomas Steigerwald

DO NOT FORWARD
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Date: _____ Signature of Inventor: _____
Chun-Ying Chen

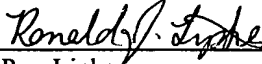
Date: _____ Signature of Inventor: _____
James Y. C. Chang

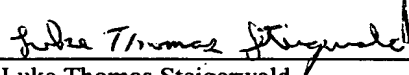
Date: _____ Signature of Inventor: _____
Lawrence M. Burns

Date: _____ Signature of Inventor: _____
Young Joon Shin

Date: _____ Signature of Inventor: _____
Patrick Pai

Date: 1/31/02 Signature of Inventor: 
Iconomos A. Koullias

Date: 1/23/02 Signature of Inventor: 
Ron Lipka

Date: 1/23/02 Signature of Inventor: 
Luke Thomas Steigerwald

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